United Nations A/C.3/58/SR.49

General Assembly
Fifty-eighth session

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Third Committee

Summary record of the 49th meeting
Held at Headquarters, New York, on Tuesday, 18 November 2003, at 3 p.m.

Chairman: Mr. Maertens (Vice-Chairperson) ..... (Belgium)

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03-61755 (E)

In the absence of Mr. Belinga-Eboutou, Mr. Maertens (Belgium), Vice-Chairperson, took the Chair.

The meeting was called to order at 3.15 p.m.

Agenda item 110: Advancement of women *(continued)* (A/C.3/58/L.18 and A/C.3/58/L.21/Rev.1)

Draft resolution A/C.3/58/L.18: Violence against women migrant workers

1. **The Chairman** informed the Committee that the draft resolution had no budgetary implications and announced that Bangladesh, Burkina Faso, Costa Rica, Democratic Republic of the Congo, Guatemala, Haiti, Paraguay, Peru, Senegal, Swaziland and Timor-Leste had become sponsors of the draft resolution.

2. **Ms. Banzon** (Philippines) announced that, in addition to the countries just listed by the Chairman, Argentina, Azerbaijan, Cambodia, Cape Verde, Chile, Ecuador, Ghana, Indonesia, Mexico, Mongolia, Nicaragua, Pakistan, Sri Lanka and Tunisia had also become sponsors of the draft resolution.

3. She then read out a number of revisions to the draft. In the second preambular paragraph, the words "outcome of the" in the first line and the words "specifically as the results pertain to women migrant workers" in the last line should be deleted. The third preambular paragraph had been redrafted to read as follows: "Noting the various activities initiated by entities in the United Nations system, such as the Hemispheric Conference on Migration, co-organized by the Economic Commission for Latin America and the Caribbean and the International Organization for Migration, held in Santiago in November 2002, as well as other activities that continue to assess and alleviate the plight of women migrant workers." In operative paragraph 16, the words "adoption by the General Assembly" in the first line should be replaced by "imminent entry into force". Lastly, in operative paragraph 18, the word "submit" in the first line should be replaced by the word "report" and the words "a report" in the second line should be deleted.

4. Her delegation hoped that the draft resolution would be adopted by consensus.

5. **The Chairman** announced that the following countries had also become sponsors: Bolivia, Croatia, El Salvador, Ethiopia, Gambia, Honduras, Kyrgyzstan, Madagascar, Mali, Morocco, Nigeria, Rwanda, Saint Vincent and the Grenadines, Sierra Leone, Togo and Uruguay.

6. *Draft resolution A/C.3/58/L.18, as orally revised, was adopted without a vote.*

Draft resolution A/C.3/58/L.21/Rev.1: Improvement of the situation of women in rural areas

7. **The Chairman** informed the Committee that the draft resolution had no budgetary implications.

8. **Mr. Gansukh** (Mongolia) said that the revised text of the draft resolution was the outcome of informal and bilateral consultations between delegations, whom he wished to thank for their valuable input. His delegation and the co-sponsors of the draft hoped that the draft resolution would be adopted by consensus.

9. **The Chairman** announced that the following countries had become sponsors of the draft resolution: Angola, Bolivia, Burundi, Cote d'Ivoire, Croatia, El Salvador, Honduras, Kazakhstan, Kyrgyzstan, Lesotho, Madagascar, Malaysia, Mali, Morocco, Nigeria, Rwanda, Sierra Leone, Tunisia and Uganda.

10. *Draft resolution A/C.3/58/L.21/Rev.1 was adopted without a vote.*

Agenda item 117: Human rights questions *(continued)*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)* (A/C.3/58/L.46)

Draft resolution A/C.3/58/L.46: Human rights and cultural diversity

11. **The Chairman** informed the Committee that the draft resolution had no budgetary implications and announced that the following countries had become co-sponsors: Afghanistan, Algeria, Azerbaijan, Bahrain, Bangladesh, Benin, Bosnia and Herzegovina, Burkina Faso, Cambodia, Cameroon, China, Congo, Cuba, Democratic Republic of the Congo, Djibouti, Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, India, Indonesia, Kazakhstan, Kenya, Kuwait,

Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Myanmar, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Sri Lanka, Sudan, Surinam, Syrian Arab Republic, Thailand, Turkmenistan, United Arab Emirates, United Republic of Tanzania and Vietnam

12. **Mr. de Barros** (Secretary of the Committee) read out the amendments made to the draft resolution on the occasion of its presentation by the main sponsor. In the second preambular paragraph, the word "and" before "55/23" was replaced by a comma and the words "and 57/204 of 10 February 2003" were inserted after the words "4 December 2000". Operative paragraph 4 was deleted.

13. **The Chairman** announced that Niger had become a sponsor of the draft resolution.

14. **Ms. Layton** (Chile), speaking in explanation of her delegation's position before the adoption of a decision, reiterated the great importance her delegation attached to the dignity of all human beings without distinction. Chile had associated itself with the draft's sponsors because it deeply respected cultural diversity and was convinced that neither relatively slow development nor cultural particularities could justify any limitation of rights recognized in the Universal Declaration of Human Rights and other international instruments for the promotion and protection of those rights.

15. *Draft resolution A/C.3/58/L.46, as orally amended, was adopted without a vote.*

16. **Ms. Groux** (Switzerland), speaking on behalf of Australia, Canada, Liechtenstein, New Zealand and Norway, welcomed the fact that the Committee had rationalized its work, as repeatedly suggested, by biennializing the consideration of draft resolutions that did not entail specific follow-up operations.

Agenda item 106: Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family *(continued)* (A/C.3/58/L.2 and A/C.3/58/L.48)

17. **Ms. Elisha** (Benin) asked the Chairman why the first of the draft resolutions listed in the agenda for the meeting had been set aside without any explanation being given to its main sponsors. She felt that delegations should have been advised of the change before the meeting.

18. **Ms. Ahmed** (Sudan), agreeing with the previous speaker, wondered why the Committee had not been given due notice of the fact that two of the draft resolutions it was scheduled to consider no longer appeared on the agenda for the meeting. The Secretariat should inform the Committee of any difficulty or change before the process of deciding on other draft resolutions was embarked upon.

19. **Mr. Roshdy** (Egypt), speaking as a sponsor of draft resolution A/C.3/58/L.48 as well as a member of the Committee, recalled that the draft had been issued the previous week and the Committee was to have adopted a decision on it at the present meeting. He would be grateful if, in order not to jeopardize the proceedings, the Chairman were in future to announce any change as soon as a difficulty arose. Delegations had shown great flexibility thus far and were certainly not unaware of time constraints, but they ought not to be made to feel that a draft resolution was being "held hostage" to other negotiations.

20. **Mr. de Barros** (Secretary of the Committee) reminded members that the financial implications of the amendments to draft resolution A/C.3/58/L.2 submitted by Benin in document A/C.3/58/L.12 were set out in document A/C.3/58/L.26. The new amendments to the draft resolution contained in document A/C.3/58/L.48 had been submitted for consideration to the Budget Division, which had not yet provided an answer.

21. **Mrs. Elisha** (Benin) objected to the fact that document A/C.3/58/L.26 had been issued before the conclusion of negotiations concerning document A/C.3/58/L.12, and wondered how the Secretariat could tell that amendments to the original draft would have financial implications. Given the shortness of the draft, she wondered how much more time would be needed in order to assess those implications. Exactly which paragraphs were creating a problem? Rather than merely report that problems had arisen, the Secretariat ought to explain what those problems were.

22. **Mr. de Barros** (Secretary of the Committee) reminded delegations of the procedure followed in connection with all draft resolutions. The amendments to the draft resolution of concern to the Benin delegation had been submitted to the Budget Division as soon as they became known to the Secretariat, but no reply had as yet been received. He assured the representative of Benin that he would again contact the

Budget Division, and regretted being unable to provide further explanations.

23. **Mr. Mubarez** (Yemen) drew attention to an error in the Arabic translation of the title of draft resolution A/C.3/58/L.49. The draft was concerned with massive exoduses, not with migrations, which were an entirely different matter. He requested that the error be rectified and said that he would comment on the draft resolution once it was available in Arabic.

24. **Ms. Astanah Banu** (Malaysia) expressed the hope that a prompt solution would be found to the problem of draft resolution A/C.3/58/L.2 and the amendments thereto. Over the past few weeks the documents in question had already been listed several times among those scheduled for a decision by the Committee. She also asked the Secretariat whether it could produce a list of all draft resolutions accompanied by their symbols, thus facilitating the work of delegations.

25. **Mr. Zhang Lei** (China) said that his delegation shared the views expressed by Benin, Egypt and Sudan. Before announcing that the Committee was to take a decision on certain draft resolutions, the Secretariat should make sure that all preliminaries relating to those drafts had been completed. He also supported the request just made by Malaysia.

26. **The Chairman** said that the Secretariat would provide delegations with a list of all draft resolutions the next morning.

27. **Mr. Moungara-Moussotsi** (Gabon) said that his delegation and the other sponsors of draft resolution A/C.3/58/L.28 concerning the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, submitted under agenda item 113, one of whose operative paragraph was expected to entail financial implications, had still not received the information they had requested on the status of those implications.

28. **Mr. Roshdy** (Egypt) said that the comments he was about to make might help to explain the sense of frustration felt by certain delegations. Since its introduction, draft resolution A/C.3/58/L.28 had had what might fairly be described as a rough ride. It had formed the subject of arduous negotiations, in the course of which document A/C.3/5/L.26 – the like of which he had not seen in his six years of experience at the United Nations - had been introduced, seriously affecting the progress of the negotiations. The previous evening, while preparations with a view to the adoption of the draft had been in progress, the sponsors had been informed that the fate of the draft was linked to that of another draft relating to a different agenda item, which was running into difficulties. The sponsors of draft resolution A/C.3/58/L.28 did not hold the Secretariat - whose efforts they appreciated - responsible for the situation, but felt that the process should not be allowed to drag on indefinitely for no real reason.

29. **Mr. de Barros** (Secretary of the Commission), replying to the representative of Gabon, said that the Budget Division was putting the final touches to its response concerning the programme budget implications of the draft resolution. The Secretariat should receive the necessary information very shortly.

Agenda item 117 (b): Questions relating to human rights, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)*
(A/C.3/58/L.49)

Draft resolution A/C.3/58/L.49: Human rights and mass exoduses

30. **Mr. Von Kaufmann** (Canada), introducing the draft resolution on behalf of the sponsors, said that Greece had likewise become a sponsor. The draft resolution, which was traditionally adopted by consensus every two years, had been enriched with elements borrowed from the resolution adopted by consensus at the latest session of the Commission on Human Rights. At the conclusion of a transparent process of informal consultations, a consensus had again emerged in respect of the draft now before the Committee.

31. The following corrections weere to be made in the third preambular paragraph, the words "including its resolution 57/187 of 18 December 2002" should be deleted; in operational paragraph 7, the words "humanitarian personnel" should be moved to the end of the paragraph, preceded by the word "by", in operative paragraph 8, the comma and the word "sexual" in the first line should be replaced by the word "and", a comma being inserted after the word "abuse", in the third line of the same paragraph, commas should be inserted after the word "preventing" and the words "allegations of", in the fifth line of operative paragraph 9, the words "and, where

appropriate" should be inserted after "return home" and the words "where appropriate" after "such information" should be deleted, and, lastly, in the sixth line of the same paragraph, the word "thereon" should be inserted after the word "recommendations".

32 His delegation hoped that the Committee would once again adopt the draft resolution by consensus.

33 **The Chairman** said that Estonia, Iceland, Malta, Portugal, Romania, Slovakia and Slovenia had become sponsors of the draft resolution.

34 **Ms. Al Haj Ali** (Syrian Arab Republic), recalling that she had asked the Secretariat whether it was acceptable to introduce a draft resolution under an agenda item that did not correspond to the contents of the draft resolution, said that she would appreciate an answer soon as possible.

The meeting rose at 4.20 p.m.

United Nations A/C.3/58/SR.50

General Assembly
Fifty-eighth session

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Distr.: General
2 December 2003

Original: English

Third Committee

Summary record of the 50th meeting
Held at Headquarters, New York, on Wednesday, 19 November 2003, at 11.30 a.m.

Chairman: Ms. Londoño (Vice-Chairman) (Colombia)

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Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

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03-62113 (E)

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In the absence of Mr. Belinga-Eboutou (Cameroon), Ms. Londoño (Colombia), Vice-Chairman, took the Chair

The meeting was called to order at 11.45 a.m.

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/58/L.54, L.55, L.58-L.60 and L.62)

Draft resolution A/C.3/58/L.54: Human rights and terrorism

1. **Mr. Osmane** (Algeria) introduced the draft resolution on behalf of the sponsors, which had been joined by Bhutan, El Salvador, Ethiopia, Qatar and the United Republic of Tanzania. Modelled on resolution 56/160, it also contained components of Commission on Human Rights resolution 2003/37 and ideas culled from United Nations documents or based on world events. It highlighted the alarming cross-border aspect of terrorism, which profited from technological progress and had proved only a few days before, with the double bombings in Istanbul, that it respected neither walls nor borders and ignored the right to life.

2. Protecting human rights while countering terrorism — a concern shared by the international community — was extensively covered in the draft resolution, which also noted the national, regional and international developments regarding human rights and terrorism, including the global debate and initiatives by the United Nations and regional organizations, as well as by the Movement of Non-Aligned Countries, as discussed at its 2003 Conference of Heads of State or Government.

3. On the subject of non-State actors, all too often treated dogmatically, the draft resolution wished to be realistic and faithful to the spirit and the letter of the Universal Declaration of Human Rights, especially articles 3 and 30. Despite persistent conceptual differences, the sponsors had, in a spirit of compromise, accepted certain proposed amendments. Consultations would continue to the very end in an effort to reach agreement on contentious issues.

4. Terrorism — a universal problem, as attested to by the geographical diversity of the sponsors — warranted a global response from the United Nations, which should send the clear message that terrorism, or safe haven for its perpetrators, could never be justified. Hence, in a spirit of solidarity with the victims of terrorism and their families, the sponsors hoped for a broad consensus in favour of what was a universal, balanced, unambiguous and extremely topical draft resolution.

Draft resolution A/C.3/58/L.55: National institutions for the promotion and protection of human rights

5. **Ms. Tomar** (India), introducing the draft resolution on behalf of the sponsors, joined by Cyprus, Ecuador, France, Honduras, Italy, New Zealand, Panama, Slovakia, Slovenia, Thailand and the United Kingdom had also become sponsors. She read out two minor corrections of the text.

6. National institutions for the promotion and protection of human rights had emerged over the years as an important instrument in a growing number of countries in all regions. The General Assembly, in resolution 48/134, had adopted the Principles relating to the status of such institutions, which provided the framework for their establishment and envisaged plurality, independence, freedom of operation and a broad-based mandate and powers to protect human rights. The Office of the United Nations High Commissioner for Human Rights, for its part, had helped establish or strengthen such institutions in some 30 countries. She hoped that the draft resolution would be adopted without a vote.

7. **The Chairman** announced that the Congo, Côte d'Ivoire, the Gambia, Kenya, the former Yugoslav Republic of Macedonia and South Africa had also joined the sponsors.

Draft resolution A/C.3/58/L.58: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Rights and Fundamental Freedoms

8. **Mr. Næss** (Norway), introducing the draft resolution on behalf of the sponsors, joined by Spain, commended the Special Representative of the Secretary-General on Human Rights Defenders on her contribution to the improvement of their protection worldwide. Some of the concerns expressed in her report (A/58/380) were highlighted in the draft resolution. He thanked colleagues who had participated

in the informal discussions or submitted comments on the text, which he hoped would be adopted without a vote.

9. **The Chairman** announced that Albania, Bulgaria, Ecuador, Honduras, Mauritius and the former Yugoslav Republic of Macedonia had joined the list of sponsors.

Document A/C.3/58/L.59, containing amendments to draft resolution A/C.3/58/L.30/Rev.1: The situation of and assistance to Israeli children

10. **Ms. Khalil** (Egypt), introducing the document on behalf of the sponsors of the proposed amendments to draft resolution A/C.3/58/L.30/Rev.1, said that the printed version just distributed contained a technical error. Instead of "The situation of and assistance to Israeli children", the title of the document should read "The situation of and assistance to children in the Middle East region". She added that a corrigendum would be issued.

11. **The Chairman** announced that Indonesia had joined the list of sponsors of document A/C.3/58/L.59.

Draft resolution A/C.3/58/L.60: Access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria

12. **Mr. Meyer** (Brazil) introduced the draft resolution on behalf of the sponsors, joined by Antigua and Barbuda, Barbados, Belize, Bolivia, the Congo, Croatia, the Democratic Republic of the Congo, El Salvador, Ethiopia, Haiti, Honduras, Kenya, Lesotho, Lithuania, Malawi, Mauritius, Namibia, the Niger, Nigeria, the Philippines, Rwanda, Saint Lucia, Sierra Leone, Swaziland, Tunisia, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe. It was inspired by Brazil's national experience concerning free and universal access to medication, including antiretroviral therapy. The draft resolution highlighted the notion that access to medication in the context of pandemics such as HIV/AIDS was a fundamental element for achieving the full realization of the right of everyone to the highest attainable level of physical and mental health. New elements had been included in the text based on recent developments. He hoped that the draft resolution could be adopted by consensus in a clear sign of the international community's commitment to win the battle against pandemics.

Draft resolution A/C.3/58/L.62: United Nations Decade for Human Rights Education, 1995-2004

13. **Ms. Bieske** (Australia) introduced the draft resolution on behalf of the sponsors, joined by Albania, Angola, Armenia, Bolivia, Brazil, Burkina Faso, Cambodia, Cameroon, Cape Verde, Côte d'Ivoire, El Salvador, Ethiopia, the Gambia, Ghana, Guatemala, Kenya, Lebanon, Lithuania, Madagascar, Morocco, Mozambique, Panama, the Philippines, the Republic of Moldova, Romania, the Russian Federation, Saint Vincent and the Grenadines, Serbia and Montenegro, Sierra Leone, South Africa, the former Yugoslav Republic of Macedonia, Togo, the United Republic of Tanzania, the United States of America and Zambia. The text of the draft resolution, which had been submitted every year since the start of the Decade, had been significantly streamlined in keeping with the aim of ensuring efficiency, but the focus remained on highlighting and supporting the Decade as a mechanism to promote and facilitate human rights education as a key element in the full realization of human rights.

Draft resolution A/C.3/58/L.47: Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

14. **The Chairman** invited the Committee to take action on the draft resolution, which had no programme budget implications, and announced that Benin, Botswana, Côte d'Ivoire, Haiti, Malawi, Mauritius, Qatar, Swaziland and Turkmenistan had joined the sponsors. He took it that the Committee wished to adopt the draft resolution without a vote.

15. *Draft resolution A/C.3/58/L.47 was adopted.*

16. **Ms. Groux** (Switzerland), speaking in explanation of position on behalf of Australia, Canada, Liechtenstein, New Zealand, Norway and her own country, said that for some time there had been discussions on the need to rationalize the agenda of the General Assembly. All delegations should take responsibility for making their work more focused and should examine whether the resolutions they sponsored were necessary and whether they needed to be considered so frequently. The text of draft resolution A/C.3/58/L.47 was virtually identical to that adopted in 2002 and the delegations she represented had requested

its sponsors to consider amending the text to reflect that it should be considered on a biennial basis. The suggestion had not been accepted, but it was to be hoped that the sponsors would consider whether the resolution could merit less frequent attention by the Committee in the future.

17. **Mr. Amorós Núñez** (Cuba) said that his delegation had taken note of the statement by the representative of Switzerland and hoped that similar suggestions would be made with regard to other draft resolutions that had been presented for many years, in a spirit of non-selectivity, impartiality and objectivity. He also hoped that it represented a serious intent to improve human rights collaboration and had not merely singled out the draft resolution sponsored by Cuba.

18. **Ms. Groux** (Switzerland) assured the representative of Cuba that the suggestion approached the issue comprehensively and had been made in a constructive spirit. The same recommendation had already been proposed during the negotiation and presentation of other draft resolutions.

The meeting rose at 12.40 p.m.

United Nations A/C.3/58/SR.51

General Assembly
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Third Committee

Summary record of the 51st meeting
Held at Headquarters, New York, on Wednesday, 19 November 2003, at 3 p.m.

Chairman :	Mr. Belinga-Eboutou	(Cameroon)
later :	Mr. Priputen (Vice-Chairperson)	(Slovakia)
later :	Mr. Belinga-Eboutou	(Cameroon)

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Agenda item 117 : Human rights questions *(continued)*

(b) Human rights questions, including alternative approaches for the effective enjoyment of human rights and fundamental freedoms *(continued)*

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03-62119 (E)
0362119

The meeting was called to order at 3.20 p.m.

Agenda item 117: Human rights questions *(continued)*

(b) Human rights questions, including alternative approaches for the effective enjoyment of human rights and fundamental freedoms *(continued)* (A/C.3/58/L.50, A/C.3/58/L.51, A/C.3/58/L.52, A/C.3/58/L.53, A/C.3/58/L.56, A/C.3/58/L.57 and A/C.3/59/L.61)

Draft resolution A/C.3/58/L.50: Enhancement of international cooperation in the field of human rights

Draft resolution A/C.3/58/L.51: Human rights and unilateral coercive measures

Draft resolution A/C.3/58/L.52: The right to development

1. **Mr. Rastam** (Malaysia) introduced draft resolutions A/C.3/59/L.50, A/C.3/58/L.51 and A/C.3/58/L.52 on behalf of their sponsors, the States members of the Non-Aligne Movement, with whom China had also associated itself.

2. The principal new element of draft resolution A/C.3/58/L.50, as compared with previous General Assembly resolutions on the subject of international cooperation in the field of human rights, was to be found in operative paragraph 2, which recognized that States had "a collective responsibility to uphold the principles of human dignity, equality and equity at the global level".

3. Draft resolution A/C.3/58/L.51 dealt with unilateral coercive measures, which certain States were continuing to apply despite the General Assembly's recommendations and notwithstanding the negative consequences of such measures for world trade and for the social and economic development of the affected populations, especially children. The intention of the draft's sponsors was to reiterate the call for multilateralism and respect of international law in relations between States.

4. Lastly, draft resolution A/C.3/58/L.52 reaffirmed the commitment of the non-aligned countries and China to the promotion of the right to development. The concept document establishing options for the implementation of that right, to be considered by the Commission on Human Rights at its sixty-first session, was of great interest in that connection.

5. *Mr. Priputen (Slovakia), Vice-Chairperson, took the Chair.*

Draft resolution A/C.3/58/L.53: The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

6. **Mr. Meyer** (Brazil), introducing draft resolution A/C.3/58/L.53 on behalf of its sponsors, who also included Angola, Antigua and Barbuda, Azerbaijan, Bolivia, Burkina Faso, El Salvador, France, Germany, Lithuania, Mali and Norway, said that the draft resolution was the first submitted to the General Assembly to be specifically focused on the right to health, thus providing an opportunity for a debate open to the entire membership without restriction. He hoped the draft would be adopted by consensus, for although the right to health was recognized as fundamental in many international instruments and had been at the top of the international community's agenda for a number of years, a great deal still remained to be done towards its attainment.

7. Announcing a number of amendments to the draft, he said that the seventh preambular paragraph had been deleted. The seventeenth preambular paragraph was replaced by the following: "Recalling the declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and Public Health adopted at the Fourth World Trade Organization (WTO) Ministerial Conference in Doha, in November 2001, and welcoming the WTO General Council's decision of 30 August 2003 on the implementation of paragraph 6 of the Doha Declaration on the TRIPS agreement and Public Health". Lastly, the words "in its resolution 2003/28" in operative paragraph 16 were deleted.

8. **The Chairman** announced that Afghanistan, Kenya, Nigeria, Portugal and Sierra Leone had also become sponsors of the draft resolution.

Draft resolution A/C.3/58/L.56: Subregional Centre for Human Rights and Democracy in Central Africa

9. **Ms. Fotso** (Cameroon), introducing draft resolution A/C.3/58/L.56 on behalf of the Economic Community of Central African States (ECOCAS), drew

attention to the promising beginnings of the Centre, which since its inception in March 2001 had already made a valuable contribution to the promotion of human rights and democracy in Central Africa by offering training, disseminating international instruments, strengthening institutions and providing support to civil society in the ECOCAS region, an area which had been beset by a number of internal conflicts in recent years. In order to continue upon that path, the Centre needed the international community's support and encouragement. That was the object of the draft resolution.

Draft resolution A/C.3/58/L.57: Protection of and assistance to internally displaced persons

10. **Ms. Sylow** (Norway), introducing draft resolution A/C.3/58/L.57 on behalf of its sponsors, who also included Bosnia and Herzegovina, Cyprus, El Salvador, Greece, Luxembourg and Mali, said that despite protracted efforts on the part of the international community, the situation of internally displaced persons still remained precarious. There was need to improve the assistance and protection extended to such persons, to meet their development needs and to address the root causes of their displacement, as had been recommended by the Representative of the Secretary-General for internally displaced persons.

11. The proposed draft was based on the resolution - which had lost none of its relevance - adopted by the General Assembly in 2001, as well as on the resolution on the same subject adopted by the Commission on Human Rights, but it also included some new elements, e.g. by giving special attention to women, children, older persons and persons with disabilities, by recognising the growing role of national human rights institutions and by referring to the integration of displaced persons in peace and rehabilitation processes. It also emphasised the importance of an effective, accountable and predictable cooperative approach to the problem. She hoped that the draft resolution would be adopted by consensus.

12. **The Chairman** announced that Albania, Bolivia, Bulgaria, Costa Rica, Cote d'Ivoire, Ecuador, Japan, Micronesia and Panama had become co-sponsors of the draft resolution.

Draft resolution A/C.3/58/L.61: Strengthening of the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization

13. **Ms. Zack** (United States of America) introduced draft resolution A/C.3/58/L.61 on behalf of its sponsors, who now included the following countries: Armenia, Australia, Azerbaijan, Czech Republic, Cyprus, Micronesia, Monaco, Saint Vincent and the Grenadines and Spain. Following consultations, it had been decided to amend operative paragraph 6 by adding the following words after the words "requests for electoral assistance": "and encourages those organizations to share knowledge and experience in order to promote best practices in the assistance they provide and in the reporting they make on electoral processes".

14. In addition, she announced the following drafting changes: in preambular paragraph 3, insert a comma between "governance" and "and"; in preambular paragraph 4, insert a comma between "Rights" and "adopted" and delete the words "shall be" between "and "held by secret vote"; at the beginning of preambular paragraph 5, replace "Taking note with interest" by "Noting with interest"; in preambular paragraph 6, delete the comma between "civic education and "in requesting". The drafting changes in the operative part were as follows: in paragraph 4, replace the words "to allow free and fair elections" by "to allow a free and fair election", delete the comma between "election" and "and that", and replace the words "the results of the mission" by "the mission's results"; in the last line of paragraph 8, replace the word "by" before "enhancing" with the word "through"; in the third line of paragraph 9, insert a comma between "mandate" and "and to continue"; and insert the word "Also" before "requests" at the beginning of paragraph 13.

15. **The Chairman** announced that Afghanistan, Albania, Bolivia, Bosnia-Herzegovina, Cape Verde, Dominican Republic, El Salvador, the Former Yugoslav Republic of Macedonia, Fiji, India, Iceland, Panama, the Russian Federation and Sierra Leone had become sponsors of the draft resolution.

16. He further announced that draft resolutions A/C.3/58/L.64 to A/C.3/58/L.72, inclusive, were to be considered on the following day.

17. **Ms. Astanah Banu** (Malaysia) requested that, in view of time differentials, draft resolutions on which the Committee was to take a decision should be announced on the previous day so as to enable delegations to consult their Governments.

18. **Mr. Owade** (Kenya) wished to know the precise programme of work of the Committee over the next few days and the anticipated date of completion of its work.

19. **Mr. de Barros** (Secretary of the Committee) said that the progress and completion of the Committee's work depended on the spirit of cooperation of delegations, the availability of information from the Secretariat concerning possible budgetary implications of draft resolutions, and the availability of documents.

20. **Mr. Amorós Núñez** (Cuba) asked what draft resolutions were still outstanding and when they would be introduced.

21. **Mr. de Barros** (Secretary of the Committee) said that all outstanding draft resolutions whose consideration had not already been announced for the next day would be introduced on the day after that.

22. **Mr. Konfourou** (Mali) said that it would be helpful to know at least the titles of those draft resolutions scheduled for consideration on the next day whose text was not yet available.

23. **Mr. Xie Bohua** (China) said that he was concerned about the progress of the Committee's work. The date set for completing the work should not be exceeded. Expressing surprise at the non-availability of the texts of draft resolutions, he asked whether the problem was due to delegations being late in introducing the drafts or to a hitch in document distribution. His delegation took the view that arrangements in connection with the work of the Committee left much to be desired, and invited the Bureau to give the matter serious attention.

24. **Mr. Amorós Núñez** (Cuba) wondered whether a draft resolution could not be introduced and adopted on the same day.

25. **Mr. Roshdy** (Egypt) said that he was still awaiting a reply from the Bureau to the question he had raised at the Committee's first meeting concerning the legal interpretation of rule 129 [89] of the Rules of Procedure of the General Assembly (A/520/Rev.15).

26. *Mr. Belinga-Eboutou (Cameroon) resumed the Chair.*

27. **The Chairman**, replying to questions raised in the course of the meeting, said that it was up to delegations and to the Secretariat to do their utmost to ensure that the Committee could complete its work by the scheduled date. With regard to the question concerning the legal interpretation of rule 129 [89] of the Rules of Procedure, he said that the matter was in hand and an answer would be communicated to the Committee in due course.

28. **Ms. Al Haj Ali** (Syrian Arab Republic) asked for an answer to her earlier question as to whether it was acceptable for a draft resolution to be introduced under an agenda item which did not correspond to the draft resolution's contents.

29. **The Chairman** replied that the task of the Bureau was confined to ensuring that the deadlines set for the introduction of draft resolutions were complied with. Delegations were free to introduce their draft resolutions under any agenda item, after which it was for the Committee to decide whether the draft resolution should or should not be considered.

30. **Ms. Al Haj Ali** (Syrian Arab Republic) requested that the Chairman's answer to her question be duly reported in the record of the meeting. The Chairman assured her that that would be done.

31. **Ms. Astanah Banu** (Malaysia), referring to the question as to a draft resolution could be introduced and adopted on the same day, recalled the rule whereby 24 hours had to elapse between the introduction and the adoption of drafts.

32. **The Chairman** remarked that the Committee was free to waive the 24-hour rule if it saw fit.

33. **Ms. Leyton** (Chile) agreed with the representative of Egypt that the question of the interpretation of rule 129 [89] of the Rules of Procedure should be settled as early as possible. The delay in adopting draft resolutions could possibly be due to the absence of a decision on that point. As for the 24-hour rule, she recalled that the Committee had already waived it in the past.

34. **The Chairman** pointed out that in raising the question of rule 129 [89] the Egyptian delegation had not made that issue a precondition for the adoption of draft resolutions. He would shortly be in a position to inform the Committee of the legal interpretation of the rule in question. No legal vacuum had arisen, and nothing stood in the way of the Committee's proceeding with its work.

The meeting rose at 4.20 p.m.

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Summary record of the 52nd meeting
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Chairman: Mr. Maertens (Vice-Chairman) ..... (Belgium)
later: Mr. Belinga-Eboutou (Chairman) ..... (Cameroon)

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In the absence of Mr. Belinga-Eboutou (Cameroon), Mr. Maertens (Belgium), Vice-Chairman, took the Chair.

The meeting was called to order at 10.35 a.m.

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/58/L.63-L.66 and L.70-L.72)

Draft resolution A/C.3/58/L.63: Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

1. **Ms. Ellison-Kramer** (Austria) introduced the draft resolution on behalf of the sponsors, joined by Armenia, Brazil, Ecuador, Ethiopia, Malta, Mauritius, Panama, Peru, the Republic of Moldova, Romania, Serbia and Montenegro, Thailand and the former Yugoslav Republic of Macedonia, and announced several minor revisions to the text. She highlighted, among other things, the importance of human rights education and observed that the frequency and severity of conflicts involving minorities underlined the need for States and international organizations to strengthen their efforts to promote and protect the rights of persons belonging to minorities.

Draft resolution A/C.3/58/L.64: Human rights in the administration of justice

2. **Mr. Lutterotti** (Austria) introduced the draft resolution on behalf of the sponsors, joined by Albania, Armenia, Brazil, Ecuador, Guatemala, Malta, Mexico, Panama, Paraguay, the Republic of Moldova, Romania, Serbia and Montenegro, Thailand and the former Yugoslav Republic of Macedonia. He drew attention to the rephrasing of paragraph 15, which was a new paragraph: the revised version began by inviting Governments and other bodies to devote increased attention to the issue of women in prison, including issues related to their children, and then took note of the decision by the Subcommission on the Promotion and Protection of Human Rights to prepare a working paper on that question. The wording of paragraph 3 had been revised to bring it into line with the language of General Assembly resolution 57/219, so that it read: "Affirms that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations under international law, in particular international human rights, refugee and humanitarian law". In addition, the last phrase in paragraph 9, "in particular in post-conflict situations", had been deleted.

Draft resolution A/C.3/58/L.65: Elimination of all forms of religious intolerance

3. **Mr. Ryan** (Ireland) introduced the draft resolution on behalf of the sponsors, joined by Ecuador, Georgia, Ghana, Lesotho, Mali, Panama, the Republic of Moldova, Suriname, Swaziland, Trinidad and Tobago and Zimbabwe. The sponsors strongly supported the work of the Special Rapporteur on freedom of religion or belief, whose report (A/58/296) provided many examples showing that freedom of thought, conscience, religion and belief were not universally enjoyed, and urged all States to cooperate fully with him. The draft resolution stressed the difficult situations facing religious minorities and women and the importance of education and a continued dialogue among religions and beliefs.

Draft resolution A/C.3/58/L.66: In-depth study on all forms of violence against women

4. **Ms. Bakker** (Netherlands) introduced the draft resolution on behalf of the sponsors, joined by Albania, Australia, Austria, Bosnia and Herzegovina, Bulgaria, the Congo, Costa Rica, Dominica, the Dominican Republic, Ecuador, Lithuania, Malta, Mongolia, Nicaragua, Panama, the Republic of Moldova, Romania, Rwanda, Thailand, the former Yugoslav Republic of Macedonia, Ukraine, the United States of America and Uruguay. She explained that the idea of conducting a comprehensive and in-depth study of all forms of violence against women had originally been included in draft resolution A/C.3/58/L.22 and had met with widespread support among delegations. However, as the revised draft of that resolution focused solely on domestic violence, her delegation had decided to introduce a new draft resolution specifically to request the Secretary-General to conduct such a study. The study would give a clearer idea of the scale of violence against women, a better understanding of its causes and consequences and its social, economic and health costs. It should also help identify best practices in such areas as legislation and policy-making.

Draft resolution A/C.3/58/L.70: The right to food

5. **Ms. González Fraga** (Cuba), introducing the draft resolution on behalf of the sponsors, joined by

Andorra, Burundi, Djibouti, the Gambia, Lesotho, Mauritania, the Niger and Somalia, said that there had been growing support in recent years for the resolutions adopted by the General Assembly and by the Commission on Human Rights on the right to food. The draft resolution cited some alarming statistics — every seven seconds a child under the age of 10 died of hunger somewhere in the world, and 840 million people were undernourished — and urged States to take steps towards the full realization of the right to food. It also called on the relevant international organizations to provide the funding needed to achieve the target of halving the proportion of people suffering from hunger by 2005.

Draft resolution A/C.3/58/L.71: Protection of human rights and fundamental freedoms while countering terrorism

6. **Ms. Morgan** (Mexico), introducing the draft resolution on behalf of the sponsors listed as well as Bosnia and Herzegovina, Bulgaria, Croatia, Ecuador, Egypt, Honduras, Lithuania, Macedonia, Malta, Panama, Romania, Saint Vincent and the Grenadines and Suriname. The Member States had categorically rejected terrorism and were combating a scourge that had caused thousands of victims. It was time to reiterate the message that the most effective way of defeating it was to ensure universal respect for human rights and that all actions must be founded on those principles, especially in the light of the efforts deployed by States both individually and as members of international and regional organizations and through consideration of the topic by international human-rights mechanisms. The sponsors hoped that the draft resolution would again be adopted without a vote.

Draft resolution A/C.3/58/L.72: Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character

7. **Ms. González** (Cuba), introducing the draft resolution on behalf of the sponsors, joined by Cambodia, said it reiterated Member States' commitment to strengthen international cooperation in favour of human rights and to seek peaceful solutions to humanitarian problems, in accordance with the Charter. She invited members to support the draft resolution, thereby affirming their commitment to international cooperation for the exercise of human rights and fundamental freedoms.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/58/L.69)

Draft resolution A/C.3/58/L.69: The situation of human rights within the Islamic Republic of Iran

8. **Mr. Laurin** (Canada), introducing the draft resolution on behalf of the sponsors, joined by Israel, Liechtenstein and Finland, said that the performance of the Islamic Republic of Iran in protecting human rights had deteriorated in the previous two years, although some encouraging developments had been recognized in the draft resolution. The results of his country's informal but extensive talks with the Government had been limited. The purpose of dialogue was to improve the human-rights situation as it affected the lives of ordinary Iranians, in which connection much remained to be done. Hence, all available mechanisms and channels, including the adoption of a resolution, must be used in order to ensure that the Government lived up to its human-rights obligations.

9. Human-rights dialogues and resolutions were complementary, for which reason the sponsors had revised paragraph 1 by the addition of a subparagraph (f) to read: "The opening of human-rights dialogues with a number of countries". The dialogues, as well as the General Assembly, must address serious rights concerns, including protection of human-rights defenders, who had tenaciously defended their clients and some of whom had been imprisoned for their pains.

10. One example of the defectiveness of the human-rights situation in the Islamic Republic of Iran was the case of a Canadian journalist accredited to that country and holding dual Canadian and Iranian citizenship who had been arrested while taking photographs of demonstrators, imprisoned and later killed in police custody, highlighting the situation of journalists in that country. Canada had long been an active sponsor of the resolution on the situation of human rights when the European Union had been drafting the text. His Government had held extensive human-rights talks — even at the ministerial level — with the Iranian Government. The Permanent Representative of the Islamic Republic of Iran, who had been visiting Ottawa, had been immediately informed of the decision to submit the draft resolution, and the matter had been discussed with the country's authorities in Tehran and New York.

11. Those concerns and others referred to in the draft resolution were sufficiently serious and wide ranging to warrant concerted international attention. The draft resolution did not preclude the continuation of dialogue aimed at improving the situation; instead, it underlined the need for such dialogue so as to afford genuine improvements in human rights, which would eliminate the need for similar resolutions in future.

The meeting was suspended at 11.25 a.m. and resumed at 12.10 p.m.

Mr. Belinga-Eboutou (Cameroon), took the Chair.

Organization of work

12. **The Chairman** said that, in response to a question raised at the start of the Committee's work, he had taken advice in order to determine his legal interpretation of rule 129 of the rules of procedure. The delay had been caused by the in-depth consultations required both within and outside the United Nations. As members were aware, the rules of procedure did not refer to draft resolutions adopted by consensus without a vote. However, it was the long-standing practice of the General Assembly and the Main Committees to endeavour to reach consensus whenever possible, failing which the Committee was required to vote. In his view, when a part or parts of a proposal or amendment were then put to a vote, the parts adopted were then put to a vote as a whole, without prejudice to the prerogative of delegations to inform the Chairman when a consensus had been reached.

Agenda item 115: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism and racial discrimination (*continued*) (A/C.3/58/L.33/Rev.1)

Draft resolution A/C.3/58/L.33/Rev.1: The incompatibility between democracy and racism

13. **The Chairman** invited the Committee to take action on the draft resolution, which had no programme budget implications, and announced that Andorra, Antigua and Barbuda, Austria, Barbados, Bolivia, Canada, Colombia, Costa Rica, the Democratic People's Republic of Korea, Ecuador, France, Germany, Haiti, Ireland, Italy, Jamaica, Kenya, Monaco, Panama, Poland, Portugal, Saint Vincent and the Grenadines, South Africa and Thailand had joined the sponsors.

14. **Mr. Meyer** (Brazil), speaking on behalf of the sponsors, said that the text of the draft resolution was based on similar resolutions of the Commission on Human Rights, which had always been adopted by consensus. Its main objective was to raise awareness that free and fair elections alone were not sufficient to define a system as democratic, and racist platforms of political parties could be used to undermine democracy. Nevertheless, nothing in the draft resolution implied that Governments could not promote discussions on race, racial quotas and immigration.

15. Paragraph 5 should be expanded to include a reference to communities of people of African and Asian descent.

16. **Ms. Astanah** (Malaysia) proposed that the categories of peoples mentioned in paragraph 5 should be rearranged in alphabetical order.

17. **The Chairman** said he took it that the Committee wished to adopt the draft resolution without a vote.

18. *Draft resolution A/C.3/58/L.33/Rev.1, as orally revised, was adopted.*

19. **Mr. Schurti** (Liechtenstein), speaking in explanation of position on behalf of Australia, New Zealand, Switzerland and his own country, said that for some time there had been discussions on the need to rationalize the agenda of the General Assembly and his statement applied to several other draft resolutions that would be submitted for adoption; however, in the interests of rationalization, he would speak only once.

20. There was concern about the duplication of work between the Third Committee and the Commission on Human Rights, because around 30 draft resolutions were submitted to both bodies. While the delegations he represented obviously could not explain their position in each case, they were doing so whenever a draft resolution appeared before the Third Committee for the first time. There could be good reasons for introducing a draft resolution before both bodies, but it was time to consider the issue before they simply duplicated each other's work.

21. All delegations should take responsibility for making their work more focused. Great importance was attached to the issues raised in the draft resolution and no criticism of their substance was intended, but unless the number of draft resolutions decreased, delegates would find it impossible to cover all but their own priority issues.

22. **Mr. Meyer** (Brazil) said that he hoped that the representative of Liechtenstein would make the same statement after the introduction of all the draft resolutions in question. To the contrary, it would appear that double standards were being introduced regarding who could introduce duplicate resolutions.

23. **Ms. Ahmed** (Sudan) said that, while the Sudan recognized the right of each delegation to reflect its point of view with regard to the presentation of draft resolutions, it considered that it remained the prerogative of each Member State to introduce whatever initiative they believed suitable for consideration by any of the Committees of the General Assembly. Should some delegations have difficulties with a specific draft resolution, the rules of procedure provided several avenues to reflect differing points of view, and the Sudan hoped that such statements would not set a trend in the Third Committee by restricting the sovereign rights of Member States.

24. **Mr. Begg** (New Zealand), speaking as a member of a delegation associated with the explanation of position, said that the point raised by Brazil was fully appreciated. However, it was not possible to make the statement for all 30 draft resolutions, as that would defeat its purpose. The intention had been to adopt a fair approach that was the same for draft resolutions put to a vote as for those for which there was consensus. The explanation of position was merely an effort to draw the Committee's attention to the continued expansion of the agenda. The Secretary-General had already made pertinent recommendations in document A/57/387 and Member States needed to respond to the problem. There had never been any intention of questioning the importance of a specific draft resolution or the prerogative of delegations to submit their own drafts. However, resources were spread even thinner with each new draft resolution introduced.

25. **Mr. Amorós Núñez** (Cuba) said it was the prerogative of each delegation to introduce the texts that it considered would garner support and could make a contribution to the Committee's work. He hoped that the explanation of position would be repeated for all the draft resolutions that were replicated each year, in a spirit of non-selectivity, impartiality and objectivity.

26. **Ms. Elisha** (Benin) said it was the responsibility of delegations, on the instructions of their Governments, to introduce draft resolutions on specific issues and it was unacceptable that other States tried to stipulate whether or not a draft resolution could be introduced.

27. **Mr. García Moritán** (Argentina) said that the Third Committee used different criteria from those of the Commission on Human Rights when considering draft resolutions. Therefore, when there was justification — as in the case of the draft resolution just adopted — replicate draft resolutions should be introduced.

28. **Mr. Fox** (United States), speaking in explanation of position on the draft resolution, said that he applauded the efforts of Brazil to recognize the troubling problems of anti-Semitism and Islamophobia. With regard to paragraph 9, he observed that, in the United States, even offensive speech was protected, and his delegation interpreted the reference to internal disciplinary measures in a manner that was consistent with the protection of free speech under the Constitution.

Agenda item 116: Right of peoples to self-determination (*continued*) (A/C.3/58/L.31)

Draft resolution A/C.3/58/L.31: Universal realization of the right of peoples to self-determination

29. **The Chairman** invited the Committee to take action on the draft resolution, which had no programme budget implications, and announced that Armenia, Bosnia and Herzegovina, Iraq, Mozambique and Somalia had joined the sponsors.

30. **Mr. Lim** (Singapore) said that Singapore had co-sponsored the draft resolution because it believed in the right of peoples to self-determination. The draft resolution did not refer to the applicability of that right to any specific situation, and Singapore considered that specific situations should be carefully assessed and addressed on a case-by-case basis. Since an attempt had once again been made to infer a linkage between the draft resolution and a specific situation, his delegation would have to reconsider its sponsorship of the corresponding draft resolution the following year.

31. **Mr. Osmane** (Algeria) said that the importance accorded by Algeria to the right of peoples to self-determination stemmed from its own history, shaped by a war of liberation from a colonial system. That experience inspired Algeria's commitment to peoples subjected to foreign domination and prompted it to recall constantly the right of all peoples to self-determination.

32. **The Chairman** said that a recorded vote had been requested.

33. **Mr. Akram** (Pakistan), speaking on a point of order, said that he wished to appeal to the Indian delegation not to call for a vote on a draft resolution that sought to endorse a central principle of the Charter. When Pakistan spoke of self-determination, it might have a certain situation in mind but there was no reference to it in the draft resolution, which had been adopted by consensus every year.

34. **Mr. Gobinathan** (India), speaking in explanation of vote, before the vote said that India had requested the vote and would oppose the draft resolution. Some of the references made by the main sponsor, Pakistan, when introducing it on behalf of the other sponsors, had challenged the unity and territorial integrity of India, as had its formal statement under agenda item 116. Those references and statements were totally unacceptable to India. The draft resolution, as amplified and interpreted by Pakistan, had no relevance to the lofty principle it purported to promote.

35. Self-determination was a right applicable to peoples emerging from colonial rule, not to component parts of sovereign States. That right could not be exercised in order to authorize the impairment of the territorial integrity or political unity of a State conducting itself in compliance with the principles of equal rights and self-determination of peoples and representing its entire people without discrimination. A number of comprehensive United Nations declarations and resolutions on the right to self-determination — not invoked in the draft text — had recognized that self-determination could not be so construed. The Charter of the United Nations itself enjoined any State from seeking to disrupt the national unity and territorial integrity of any other.

36. In the contemporary world, self-determination implied the right of all parts of society to participate in freely held elections, and the ability of ethnic, religious and linguistic minorities to preserve their identity while fully participating in national life. The essence of self-determination was democracy, equality, secularism and the rule of law. For Pakistan to earn the right to talk about self-determination, it must first ensure that the right was available to its own people, deprived of it by military rulers for most of that country's history.

37. It was also insulting to see the main sponsor's repeated attempts to associate the Palestinian cause with its own territorial ambitions, thus denigrating it. India was fully committed to the universal right of peoples to self-determination properly understood, but would oppose any attempt by a sponsor to misuse the principle as a cover for its own narrow agenda.

38. **Mr. Akram** (Pakistan), observing that India had for the past several years joined in the consensus on a text identical to the draft under consideration, said that one could only speculate about the cause of the Indian Government's new thinking. The draft resolution was couched in general terms and made no reference to any specific situation. No delegation had the right to muzzle the voices of others.

39. **Mr. Gobinathan** (India), speaking on a point of order, said that the voting process had already begun and asked whether Pakistan was, in fact, making a general statement.

40. **The Chairman** said that there were several speakers who still wished to make general statements.

41. **Mr. Akram** (Pakistan), resuming his statement, observed that, despite the assertion that the draft resolution called into question the territorial integrity of a certain State, a territory whose final status was to be determined by a United Nations-sponsored plebiscite, according to Security Council resolutions over the past 50 years, could not be described as an integral part of a country but rather as a disputed territory.

42. The principle of self-determination was important to Pakistan. All States had become sovereign by exercising self-determination, and that right could not be denied to other peoples still waiting to exercise it. As for the gratuitous remarks just made regarding his Government, it must be said that a Government comprised of Fascists and fanatics who had won elections by shedding the blood of innocent Muslims had no right to criticize.

43. **Mr. Cavallari** (Italy), speaking on a point of order, called for a brief suspension so that his delegation could consult with its group on the draft resolution.

44. **Mr. Akram** (Pakistan), speaking on a point of order, said that action on the vote had begun and consequently the meeting could not be suspended.

45. **Ms. Elisha** (Benin) said, by way of a general statement, that her delegation did not see why a text that had been acceptable to all the previous year should be so complicated at the current session. However, since Benin's only reason for sponsoring the draft resolution had been its interest in the principle itself of

self-determination, it now wished to withdraw its sponsorship while the two delegations settled their dispute.

46. **Mr. Félix** (Dominican Republic) said that his delegation had co-sponsored the draft resolution on the understanding that it was a universal, impartial one as in earlier years. It now wanted to distance itself from some of the statements of the main sponsor and was therefore withdrawing its sponsorship. India and Pakistan should consult to see if a consensus resolution could still be achieved.

47. **Mr. Owade** (Kenya) said he had been under the impression that the draft resolution had to do with self-determination, a principle his delegation held dear; but given the turn events had taken, he did not wish to get involved in a dispute between two States with whom Kenya had good relations, and his delegation was therefore withdrawing its sponsorship.

48. **Mr. Aboud** (Comoros) said that his delegation wished to join the sponsors of the draft resolution.

49. **Ms. Baleseng** (Botswana) said that, for the same reasons as Benin, the Dominican Republic and Kenya, it too wished to withdraw its sponsorship.

50. **Mr. Wenaweser** (Liechtenstein), speaking on a point of order, asked whether the Committee had not in fact started the process of voting. If so, that process could not be interrupted for statements of position, which belonged properly in the earlier phase of the preparation of a draft resolution.

51. **The Chairman** said that the actual conduct of the voting had not yet begun.

52. **Ms. Astanah** (Malaysia) said that her delegation had traditionally sponsored the important resolution on the principle of self-determination, but regretted that extraneous issues had muddied the central point. Those issues could have been dealt with informally before the draft resolution had come up for action.

53. **Mr. Roshdy** (Egypt), speaking on a point of order, observed that the Chairman had indeed stated earlier that the voting had begun. Rule 128 of the rules of procedure was applicable: no representative should interrupt the voting except on a point of order in connection with the actual conduct of the voting, unless it was to explain its vote before or after the voting.

54. **The Chairman** said that the proceedings were still in the general statement phase.

55. **Mr. Cavallari** (Italy) said that he was accordingly reiterating his request for a suspension of the meeting.

56. **Mr. Roshdy** (Egypt), speaking on a point of order, asked for a legal ruling as to whether the Committee was currently engaged in voting, under rule 128 of the rules of procedure.

57. **Ms. Khalil** (Representative of the Legal Counsel) said she agreed that there had been quirks in the Committee's proceedings. It was her informal opinion that India had incorrectly been given the floor prematurely to explain its vote during the general statement phase. However, Italy's request for a suspension — objected to by Pakistan because it had maintained that the Committee was in the voting mode — should have been immediately put to the vote under rule 118.

58. **Mr. Gobinathan** (India) said that he had specifically asked the Chairman earlier whether it was the moment for him to give an explanation of vote before the vote and the Chairman had agreed. Although the representative of the Legal Counsel thought otherwise, it was still his delegation's understanding that the Committee was in the decision-making mode.

59. **Mr. Wenaweser** (Liechtenstein) asked the Chairman to deal with the request for suspension immediately, as required.

60. **The Chairman** said he took it that there was no objection to Italy's request for a suspension, and that the Committee wished to grant it.

61. *It was so decided.*

The meeting was suspended and rose at 1.20 p.m.